

Notice of Allowability

Application No.

09/751,792

Applicant(s)

WENDORF ET AL.

Examiner

Art Unit

Nittaya Juntima

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to RCE filed on 10/21/2005.
2. The allowed claim(s) is/are
1,2,4,6,7,9,10,11,8,12,13,17,19,20,22,24,25,27,28,29,26,30,31,35,37,38,40,42,43,45,46,47,44,48,49,53,55,56,58,60,61,63,64,65,62,66,67,71; renumbered as 1-48, respectively.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/21/05
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 20060615.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lester J. Vincent on June 9, 2006.

The application has been amended as follows:

In the claim:

In claim 1, line 7, "connections" has been changed to --connection--.

In claim 19, line 1, "containing" has been changed to --having stored thereon--.

In claim 19, line 8, "connections" has been changed to --connection--.

In claim 37, line 7, "connections" has been changed to --connection--.

In claim 55, line 8, "connections" has been changed to --connection--.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nittaya Juntima
June 9, 2006

NS



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

03/02/2008 14:38 FAX 408 720 0347

B S T & Z

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
After-Commissioner of Patents
P.S. Dugan
Alameda, California 94512-4000
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NOTICE OF ALLOWANCE AND FEE(S) DUE

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Seventh Floor
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Los Angeles, CA 90025-1026

EXAMINER

VIRGONI, DAVID KUBERT

ART UNIT PAPER NUMBER

163

DATE MAILED: 03/02/2008

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/63,752	12/18/2006	Kat Warko	10451536	5112

TITLE OF INVENTION: SYSTEM AND METHOD FOR ALLOCATING BANDWIDTH IN A NETWORK NODE

APPLICATION TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
provisional	NO	\$1458	\$0	\$1458	03/02/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1301.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 131. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-6SB (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 3b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 3a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PTO-AS (Rev. 07/06) Approved by the USPTO 04/06/2000.

FAX 408 720 0347 | 1-800-557-2054 | 1-800-557-2055 | 1-800-557-2056 | 1-800-557-2057 | 1-800-557-2058 | 1-800-557-2059 | 1-800-557-2060 | 1-800-557-2061 | 1-800-557-2062 | 1-800-557-2063 | 1-800-557-2064 | 1-800-557-2065 | 1-800-557-2066 | 1-800-557-2067 | 1-800-557-2068 | 1-800-557-2069 | 1-800-557-2070 | 1-800-557-2071 | 1-800-557-2072 | 1-800-557-2073 | 1-800-557-2074 | 1-800-557-2075 | 1-800-557-2076 | 1-800-557-2077 | 1-800-557-2078 | 1-800-557-2079 | 1-800-557-2080 | 1-800-557-2081 | 1-800-557-2082 | 1-800-557-2083 | 1-800-557-2084 | 1-800-557-2085 | 1-800-557-2086 | 1-800-557-2087 | 1-800-557-2088 | 1-800-557-2089 | 1-800-557-2090 | 1-800-557-2091 | 1-800-557-2092 | 1-800-557-2093 | 1-800-557-2094 | 1-800-557-2095 | 1-800-557-2096 | 1-800-557-2097 | 1-800-557-2098 | 1-800-557-2099 | 1-800-557-2100 | 1-800-557-2101 | 1-800-557-2102 | 1-800-557-2103 | 1-800-557-2104 | 1-800-557-2105 | 1-800-557-2106 | 1-800-557-2107 | 1-800-557-2108 | 1-800-557-2109 | 1-800-557-2110 | 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| 1-800-557-2404 | 1-800-557-2405 | 1-800-557-2406 | 1-800-557-2407 | 1-800-557-2408 | 1-800-557-2409 | 1-800-557-2410 | 1-800-557-2411 | 1-800-557-2412 | 1-800-557-2413 | 1-800-557-2414 | 1-800-557-2415 | 1-800-557-2416 | 1-800-557-2417 | 1-800-557-2418 | 1-800-557-2419 | 1-800-557-2420 | 1-800-557-2421 | 1-800-557-2422 | 1-800-557-2423 | 1-800-557-2424 | 1-800-557-2425 | 1-800-557-2426 | 1-800-557-2427 | 1-800-557-2428 | 1-800-557-2429 | 1-800-557-2430 | 1-800-557-2431 | 1-800-557-2432 | 1-800-557-2433 | 1-800-557-2434 | 1-800-557-2435 | 1-800-557-2436 | 1-800-557-2437 | 1-800-557-2438 | 1-800-557-2439 | 1-800-557-2440 | 1-800-557-2441 | 1-800-557-2442 | 1-800-557-2443 | 1-800-557-2444 | 1-800-557-2445 | 1-800-557-2446 | 1-800-557-2447 | 1-800-557-2448 | 1-800-557-2449 | 1-800-557-2450 | 1-800-557-2451 | 1-800-557-2452 | 1-800-557-2453 | 1-800-557-2454 | 1-800-557-2455 | 1-800-557-2456 | 1-800-557-2457 | 1-800-557-2458 | 1-800-557-2459 | 1-800-557-2460 | 1-800-557-2461 | 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1-800-557-2579 | 1-800-557-2580 | 1-800-557-2581 | 1-800-557-2582 | 1-800-557-2583 | 1-800-557-2584 | 1-800-557-2585 | 1-800-557-2586 | 1-800-557-2587 | 1-800-557-2588 | 1-800-557-2589 | 1-800-557-2590 | 1-800-557-2591 | 1-800-557-2592 | 1-800-557-2593 | 1-800-557-2594 | 1-800-557-2595 | 1-800-557-2596 | 1-800-557-2597 | 1-800-557-2598 | 1-800-557-2599 | 1-800-557-2600 | 1-800-557-2601 | 1-800-557-2602 | 1-800-557-2603 | 1-800-557-2604 | 1-800-557-2605 | 1-800-557-2606 | 1-800-557-2607 | 1-800-557-2608 | 1-800-

03/02/2006 14:38 FAX 403 720 0347

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22314-1450
TELEFAX: (703) 305-0234

APPLICATION NO.	FILING DATE	NAME OF INVENTOR	ATTORNEY DOCKET NO.	INFORMATION NO.
09/612,702	10/29/2000	Zee Webster	101A/219	5312

198 6921206
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12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

SUMMER

VINCENT, DAVID SUSKELT

ART'PRT | PAPER NUMBER

DATE MAE FD-357-12005

110 27 2005

**BLAKEY, SOKOLOFF, TAYLOR & ZURHAR LLP
LOS ANGELES**

The Patent Term Adjustment to date is 875 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 875 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site <http://pair.uspto.gov>.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Date	8/21/2005	Client:	Cisco Technology, Inc.
Docket Initials	JHP	File #	81862-2239
Dock. Sup. Initials			
Atty Initials	LJV		
Pat/Ser/Reg	751792		
Description:	43r		
Reminder - Issue fee due: 10/21/2005.			
			x
7/27/2005	John Pickens	440734	
7/27/2005	John Pickens	440735	

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B S T & Z

0007

Notice of Allowability	Application No.	Applicant(s)
	09/751,782	WENDORF ET AL.
	Examiner	Art Unit
	David R. Vincent	3228

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-65) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. The application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 4/28/05.
2. The allowed claim(s) is/are 1,2,4,6-13,17,19,20,22,24-31,35,37,38,40,42-49,51,55,56,58,60-67 and 71.
3. The drawings filed on 29 December 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(e)-(d) or (j).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No. Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.14(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)	6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. Mail Date _____.
3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. Mail Date _____.	7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Henry on 5/26/05.

IN THE CLAIMS:

Claim 58, line 1, after "claim", "54" has been changed to "55".

REASONS FOR ALLOWANCE

2. The following is an Examiner's statement of reasons for allowance: Claims 1-2,4,6-13,17,19-20,22,24-31,35,37-38,40,42-49,53,55-56,58,60-67,71 are considered allowable since when reading the claims in light of the specification, as per MPEP § 2111.01 or In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983), none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims.

The Examiner was persuaded by the arguments filed.

Reasons for allowance . If the examiner believes that the record of the prosecution as a whole does not make clear his or her

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reasons for allowing a claim or claims, the examiner may set forth such reasoning. The reasons shall be incorporated into an Office action rejecting other claims of the application or patent under reexamination or be the subject of a separate communication to the applicant or patent owner. The applicant or patent owner may file a statement commenting on the reasons for allowance within such time as may be specified by the examiner. Failure by the examiner to respond to any statement commenting on reasons for allowance does not give rise to any implication.

37 CFR 1.104(e)

In most cases, the examiner's actions and the applicant's replies make evident the reasons for allowance, satisfying the "record as a whole" proviso of the rule. This is particularly true when applicant fully complies with 37 CFR 1.111 (b) and (c) and 37 CFR 1.133(b). Thus, where the examiner's actions clearly point out the reasons for rejection and the applicant's reply explicitly presents reasons why claims are patentable over the reference, the reasons for allowance are in all probability evident from the record and no statement should be necessary. Conversely, where the record is not explicit as to reasons, but allowance is in order, then a logical extension of 37 CFR 1.111 and 1.133 would dictate that the examiner should make reasons of record and such reasons should be specific.

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Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID VINCENT
PRIMARY EXAMINER *[Signature]*

Patent and Trademark Office
U.S. DEPARTMENT OF COMMERCE
Washington, D.C. 20591-0000

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B S T & 2

011

Interview Summary	Application No.	Applicant(s)
	09/751,792	WENDORF ET AL
	Examiner	Art Unit
	David R. Vincent	3628

All participants (applicant, applicant's representative, PTO personnel):

(1) David R. Vincent (3) _____(2) James Henry (4) _____Date of Interview: 26 May 2008.Type: a) Telephonic b) Video Conference
c) Personal (copy given to: 1) applicant 2) applicant's representative)Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____

Claim(s) discussed: 58.

Identification of prior art discussed: _____

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner's amendment will be entered (see attached).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

Examiner's signature, if required

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Summary of Record of Interview Requirements

- Manual of Patent Examining Procedure (MPEP), Section 713.04 Substances of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an amendment with the substance is made at the interview.

Title 27 Code of Federal Regulations (CFR) 11.113 Introduc-

• Registration Procedure

In every instance where reconsideration is requested in view of an interview with an offender, a complete written statement of the reasons presented at the interview so supporting favorable action must be filed by the appellee. An interview does not excuse the necessity for reply to the action as specified in §§ 1111, 1125, 26 U.S.C. 122.

37 CFR §1.2 Business to be handled by whom

All business with the Patent or Trademark Office should be transacted in writing. The personal appearance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812(l) of the Manual of Patent Examining Procedure, or pointing out typographical errors or uncorrected script in Office actions or the file, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Form is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the service is not likely before an interview or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims granted as being allowable). Note: Agreement as to scope/size is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (If Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbal or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the Examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an opportunity to make his record as accurate as possible.

Exercises to Check for Awareness

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement submitted to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the cover sheet indicating the substance of the interview given with the date and the examiner's initials.